

Chapter NR 208

COMPLIANCE MAINTENANCE

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Note: Chapter NR 208 as it existed on December 31, 2004, was repealed and new chapter NR 208 was created effective January 1, 2005.

NR 208.01 Purpose. This chapter implements ch. 283, Stats., encourages and, where necessary, requires owners of publicly and privately owned domestic wastewater treatment works to take necessary actions to avoid water quality degradation, and prevent violations of WPDES permit effluent limits and conditions. This chapter promotes an owner's awareness and responsibility for wastewater conveyance and treatment needs; maximizes the useful life and performance of treatment works through improved operation and maintenance; and initiates formal planning, design and construction to prevent WPDES permit violations.

History: CR 04-022: cr. Register November 2004 No. 587, eff. 1-1-05.

NR 208.02 Applicability. This chapter applies on January 1, 2005, to owners of publicly and privately owned domestic wastewater treatment works when required in the owner's WPDES permit, except for sanitary sewer collection systems subject to a WPDES permit. This chapter applies on January 1, 2006, to owners of sanitary sewer collection systems covered by a WPDES permit.

History: CR 04-022: cr. Register November 2004 No. 587, eff. 1-1-05.

NR 208.03 Definitions. In addition to the definitions and abbreviations in chs. NR 110, 114, 140, 162, 204, 205, 206, 210, 214 and chs. 160 and 283, Stats., the following definitions apply to terms in this chapter:

(1) "Action response plan" means the proposed corrective actions that will be undertaken by the treatment works owner to address low CMAR section grades or a low grade point average.

(1m) "CMOM" has the meaning specified under s. NR 210.03 (3d).

Note: Section NR 210.03 (3d) reads: "CMOM" means a capacity, management, operation and maintenance program under s. NR 210.23.

(2) "Compliance maintenance annual report" or "CMAR" means a report that the owner of a treatment works submits to the department to describe the wastewater management activities, physical conditions and the performance of the owner's treatment works during the previous calendar year.

(3) "eCMAR" means the department's CMAR form that is available through an Internet website or other electronic means.

(4) "Facilities plan" means a report that the owner of a treatment works submits to the department that consists of those necessary plans and studies directly relating to the construction of proposed sewage treatment facilities or additions to existing sewage treatment facilities where additional treatment capacity is proposed.

(5) "Grade point average" or "GPA" means an overall treatment plant rating based upon CMAR section weighting factors of 1-10, letter grades and grade points.

(6) "Intermittent discharge" means a discharge on a periodic basis and that discharges less than 12 months in a year from a treatment works.

(7) "Operation and needs review" or "ONR" means a report which the owner of a treatment works submits to the department

evaluating the ability of a treatment works to maintain effluent limits and meet permit conditions over the next 5 years.

(8) "Owner" means the state, county, town, town sanitary district, city, village, metropolitan sewerage district, corporation, firm, company, institution, association, utility district, school district, joint sewerage commission or individual owning or operating any wastewater works.

(9) "Treatment works" has the meaning given in s. 283.01 (18), Stats., and includes wastewater treatment plants and sanitary sewer collection systems.

(10) "Weighting factor" means the weighted value associated with each CMAR section used to calculate an overall grade point average.

(11) "WPDES permit" means the Wisconsin pollutant discharge elimination system specific or general permit issued by the department pursuant to ch. 283, Stats.

History: CR 04-022: cr. Register November 2004 No. 587, eff. 1-1-05; CR 12-027: cr. (1m) Register July 2013 No. 691, eff. 8-1-13.

NR 208.04 Compliance maintenance annual report.

(1) **PURPOSE.** The compliance maintenance annual report describes wastewater management activities, physical conditions and performance of the treatment works during the previous calendar year. It provides a treatment works owner and the department with an objective analysis to determine whether a more detailed evaluation of the treatment works shall be conducted and where attention should be focused. The owner and the department may use the CMAR to identify needs for future planning actions. In conjunction with a grading system, the CMAR shall establish when treatment works owners are required to initiate actions to prevent violations of WPDES permit effluent limits and conditions.

(2) **SUBMITTAL, TIMING AND OTHER REQUIREMENTS.** (a) *General.* All owners of treatment works shall submit the CMAR electronically on or before June 30 of each year. The owner shall register with the state of Wisconsin to submit electronic reports to the department. Owners of the treatment works or duly authorized representatives of the owner shall be registered to enter treatment works information and monitoring data collected in the previous calendar year into the electronic report and submit it electronically.

(b) *Electronic submittal variance.* In calendar years 2005 and 2006, the department may, on a limited case-by-case basis, approve alternative methods of CMAR submittal by owners of treatment works. In calendar years 2006 and 2007, the department may, on a limited case-by-case basis, approve alternative methods of CMAR submittal by owners of sanitary sewer collection systems covered by a WPDES permit.

Note: To register with the State of Wisconsin Web Access Management System (WAMS) and access the web-based CMAR go to <https://dnrx.wisconsin.gov/w11559>

Note: After this rule goes into effect, some existing WPDES permits will still specify March 31 as the due date for the CMAR. This rule extends the due date for CMAR submittals to June 30th. The department does not intend to individually modify all the WPDES permits to specify the new June 30th due date. Instead, after January 1, 2005, the department will not take enforcement action against a permittee based on the timeliness of a CMAR submittal, if a completed CMAR form, certification statement and resolution or owner's statement is submitted to the department after March 31st, but on or before June 30th of each year.

(3) **CERTIFICATION.** A separate CMAR certification document shall be signed by an authorized representative of the treatment works owner verifying the electronic report is complete, accurate and represents information from the owner's treatment works. The certification shall be submitted by mail until electronic signatures are legally valid in the state of Wisconsin.

Note: A copy of the certification form will be available electronically on the CMAR website or from the department by mail.

(4) **RESOLUTION OR OWNER STATEMENT.** In the case of a publicly owned treatment works, a resolution shall be passed by the governing body and the resolution shall be included as part of the electronic submittal. Private owners of wastewater treatment works shall address the items in this subsection in an owner statement of review and response as a part of the CMAR. The resolution or owner statement of review and response shall be included as part of the electronic submittal and include all of the following:

(a) An acknowledgment that the governing body or private owner has reviewed the CMAR.

(b) The recommendations or action plan, if required under this chapter, which the owner will follow to maintain compliance with effluent limitations and permit conditions.

(c) Any other information the treatment works owner deems appropriate.

(5) **CONTENT.** The CMAR shall include an evaluation of the following sections and information, as it applies to a specific treatment works and as determined by the department under s. NR 208.05 (1):

- (a) Influent flow and loading.
- (b) Effluent quality and plant performance (BOD/CBOD).
- (c) Effluent quality and plant performance (total suspended solids-TSS).
- (d) Effluent quality and plant performance (ammonia-NH₃).
- (e) Effluent quality and plant performance (phosphorus-P).
- (f) Effluent quality and plant performance (total nitrogen-total N).
- (g) Groundwater quality.
- (h) Ponds and lagoon leakage.
- (i) Biosolids quality and management.
- (j) Staffing and preventative maintenance.
- (k) Operator certification and education.
- (L) Financial management.
- (m) Sanitary sewer collection systems.
- (n) Grading summary.
- (o) Resolution or owner statement.

History: CR 04-022; cr. Register November 2004 No. 587, eff. 1-1-05.

NR 208.05 CMAR point and grading system.

(1) **APPLICABLE SECTIONS.** The department shall determine which CMAR sections under s. NR 208.04 (5) apply to each treatment works and shall make the sections available electronically to the treatment works owner no later than April 30 of each year.

(2) **SECTION SCORES AND GRADES.** A point score shall be calculated by the department for only the CMAR sections that apply to a specific wastewater treatment works. The score and grade for each CMAR section shall be based on information and data collected and provided by the owner of the treatment works for the prior calendar year. The point score for each CMAR section shall be calculated by subtracting any points generated in each CMAR section from 100. The point score from each section shall be used to determine the applicable grade and response action shown in table 1 for that CMAR section.

Table 1

Section Scores, Grades, and Response Ranges

SCORE	GRADE	GRADE POINTS	GRADE MEANING	RESPONSE RANGE
91-100	A	4	Good	Voluntary
81-90	B	3	Satisfactory	Voluntary
71-80	C	2	Marginal	Recommendation
61-70	D	1	Poor	Action
<61	F	0	Fail	Action

(3) **CMAR SECTIONS AND POINT ASSIGNMENTS.** CMAR sections shall be assigned points based on treatment works monitoring data and other information from the previous calendar year as shown in this subsection. The department may require other section specific information that may be included within each CMAR section. Supplemental questions and information may not include points and may not affect the section's grade.

(a) *Influent flow and loading.* Point assignments for exceedances of percentages of maximum month design flow and 5-day biochemical oxygen demand (BOD) loadings in the previous calendar year shall be determined as follows:

Monthly Exceedance Criteria	Points Per Monthly Exceedance
Over 90% of maximum month design flow ¹	2
Over maximum month design flow ¹	1
Over 90% of design BOD loading	3
Over design BOD loading	2

¹ "Maximum month design flow" means the largest volume of flow anticipated to occur during a continuous 30-day period, expressed as a daily average, for which the treatment works is designed to receive and provide treatment.

(b) *Effluent quality and plant performance (BOD/CBOD).* 1. Point assignments for WPDES permit limit exceedances and for percentages of effluent 5-day biochemical oxygen demand (BOD) or 5-day carbonaceous biochemical oxygen demand (CBOD) limits in the previous calendar year shall be as follows:

Monthly Exceedance Criteria (>10mg/l BOD/CBOD limits)	Points Per Monthly Exceedance
Over 90% of permit limit	3
Over permit limit	7

Monthly Exceedance Criteria (≤ or = 10 mg/l BOD/CBOD limits)	Points Per Monthly Exceedance
Over permit limit	10

2. For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this CMAR section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is 12 / 6 = 2.0

(c) *Effluent quality and plant performance (total suspended solids -TSS).* 1. Point assignments for WPDES permit limit exceedances and for percentages of effluent TSS limits in the previous calendar year shall be as follows:

Monthly Exceedance Criteria (>10mg/l TSS limits)	Points Per Monthly Exceedance
Over 90% of permit limit	3
Over permit limit	7

Monthly Exceedance Criteria (≤ or = 10 mg/l TSS limits)	Points Per Monthly Exceedance
Over permit limit	10

2. For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this CMAR section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is $12/6 = 2.0$

(d) *Effluent quality and plant performance (ammonia – NH₃)*.

1. Point assignments for exceedances of monthly WPDES permit limits for effluent ammonia (NH₃) in the previous calendar year shall be as follows:

Monthly Exceedance Criteria	Points Per Monthly Exceedance
Over permit limit	10

2. If monthly limits do not apply and the applicable ammonia limits in a permit are weekly, then point assignments related to exceedances of weekly WPDES permit limits for effluent ammonia (NH₃) in the previous calendar year shall be as follows:

Weekly Exceedance Criteria	Points Per Weekly Exceedance
Over permit limit	2 1/2

(e) *Effluent quality and plant performance (phosphorus – P)*.

1. Point assignments for exceedances of monthly WPDES permit limits for effluent total phosphorus (total P) in the previous calendar year shall be as follows:

Monthly Exceedance Criteria	Points Per Monthly Exceedance
Over permit limit	10

2. For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this CMAR section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is $12/6 = 2.0$

(f) *Effluent quality and plant performance (total nitrogen – total N)*. 1. Point assignments for exceedances of monthly WPDES permit limits for effluent total nitrogen (total N) in the previous calendar year shall be as follows:

Monthly Exceedance Criteria	Points Per Monthly Exceedance
Over permit limit	10

2. For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this CMAR section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is $12/6 = 2.0$

(g) *Groundwater quality*. Point assignments associated with groundwater dischargers with groundwater monitoring wells shall be as follows:

Exceedance Criteria	Exceedance Points
Enforcement Standard (ES) or Alternative Concentration Limit (ES–ACL) in any downgradient monitoring well of the discharge location	20
Enforcement Standard (ES) or Alternative Concentration Limit (ES–ACL) at any point of standards application monitoring well	10

Note: “Enforcement Standard” or “ES”, Alternative concentration limit or “ACL”, and “Standards application” has the meaning in ch. NR 140 — Groundwater Quality

(h) *Ponds and lagoon leakage*. Point assignments shall be as follows:

Criteria	Points
No influent flow measurements	40

No effluent flow measurements	40
CMAR Estimated or Field Test Calculated Leakage Rates	
0–1000 gallons/acre/day	0
1001–2000 gallons/acre/day	10
2001–4000 gallons/acre/day	20
4001–7000 gallons/acre/day	30
>7000 gallons/acre/day	40

Note: Pond and lagoon leakage rates may be estimated using total influent and effluent flows or calculated by actual field water balance testing if approved by the department. The change in storage volume (+/–) for fill and draw pond systems, storage lagoons, and other similar type systems may be used in the leakage rate estimation if the method for determining the change in storage volume(s) is approved by the department.

(i) *Biosolids quality and management*. Point assignments shall be as follows:

Criteria	Points
Over-application of nitrogen on approved sites	30
Lack of 4-year soil tests on active sites	10
Metals exceeded the high quality limits or 80% of the limit for molybdenum, nickel or selenium	10
1–2 times	15
>2 times	
Did not cumulatively track metals loading at each land application site if high quality limits were exceeded	10
Metals exceeded the ceiling limits	
1 time	10
>1 time	15
Land applied biosolids that exceeded the ceiling limit	20
Pathogen Control Class B limit exceeded or did not meet process criteria at time of land application	40
Vector Attraction Reduction limit or criteria exceeded at the time of land application	40
Biosolids Storage Time	
150–179 days	10
120–149 days	20
90–119 days	30
<90 days	40

Note: The definitions of “High quality limit”, “Ceiling limit”, “Pathogen control limit”, and “Vector attraction reduction limit” may be found in ch. NR 204 — Domestic Sewage Sludge Management.

(j) *Staffing and preventative maintenance*. Point assignments shall be as follows:

Criteria	Points
Did not have a documented and implemented preventative maintenance plan for major equipment items	40
Preventative maintenance plan did not depict maintenance frequency and tasks for equipment	10
Preventative maintenance tasks and major equipment repairs were not recorded and filed	10

(k) *Operator certification and education*. Point assignments shall be as follows:

Criteria	Points
Did not have a designated operator-in-charge of the treatment works where required under ch. NR 114	20
The designated operator-in-charge was not certified at the appropriate level to operate the treatment works	20
Did not have a contingency plan option(s) for having a certified operator operate the treatment works in the event of the loss of the designated operator-in-charge.	20

Note: The definition of “Operator-In-Charge” may be found in ch. NR 114 — Certification Requirements For Wastewater Treatment Plant Operators.

(L) *Financial management.* Point assignments shall be as follows:

Criteria	Points
User charges or other revenues were not sufficient to cover treatment works’ O&M expenses	40
User charge system or other revenue sources was last reviewed and/or revised 3 or more years ago	20
Did not have a special account or financial resources available for repairing or replacing equipment for the treatment works	40
Equipment Replacement Fund was last reviewed and/or revised 3 or more years ago (public municipal facilities only)	20

Note: The definitions of “User Charge” and “Replacement” may be found in ch. NR 162 — Clean Water Fund.

(m) *Sewage collection systems.* 1. Point assignments shall be as follows:

Criteria	Points
After the effective date specified in s. NR 210.23 (2), did not have a CMOM program that meets the requirements of s. NR 210.23. OR Prior to the effective date specified in s. NR 210.23 (2), did not have a documented operation and maintenance or CMOM program.	30

2. Owners of sewage collection systems shall record and maintain information about the operation and maintenance of their sewage collection system, which may include the following: cleaning, root removal, flow monitoring, smoke testing, sewer line televising, manhole inspections, lift station servicing, manhole rehabilitation, mainline rehabilitation, private sewer inspections, private sewer infiltration/inflow (I/I) removal, precipitation, sanitary sewer overflows, building or basement backups, lift station failures, sewer pipe failures, complaints, and any other collection system information deemed important by the owner.

Note: Sanitary sewer overflow occurrences and sewage treatment facility overflow occurrences are reported under s. NR 210.21 (4). Additional reporting requirements under this chapter are required under s. NR 208.06 (1) (b). The department may initiate enforcement action under s. 283.89, Stats., for any sanitary sewer overflow or sewage treatment facility overflow.

(n) *Grading summary.* The department shall provide to the owner a summary of section grades, response ranges and resultant grade point average for the applicable completed CMAR sections under s. NR 208.04 (5) (a) to (m).

(o) *Resolution or owner statement.* The owner shall provide to the department a resolution or owner statement of review and response. Public and private treatment works owners shall complete and submit the resolution or owner statement with the CMAR. No point assignments are associated with this CMAR section.

(4) **CALCULATION OF CMAR GRADE POINT AVERAGE (GPA).** A grade point average shall be determined for each wastewater treatment works required to submit a CMAR. The grade point average shall be calculated as follows: multiply the CMAR section grade points associated with the letter grades for each section as shown in table 1 by the corresponding section weighting factor provided in table 2; add the resulting values determined for all the sections; divide the value determined by the sum of all the weighting factors used in calculating the individual section values.

G.P.A. = $\frac{\text{Sum (section grade points x section weighting factor)}}{\text{Sum of the applicable section weighting factors}}$

Table 2
CMAR Section Weighting Factors

CMAR SECTION	WEIGHTING FACTOR
Influent Flow and Loading	3.0
Effluent Quality and Plant Performance (BOD5/CBOD5)	10.0
Effluent Quality and Plant Performance (Total Suspended Solids)	5.0
Effluent Quality and Plant Performance (Ammonia)	5.0
Effluent Quality and Plant Performance (Phosphorus)	3.0
Effluent Quality and Plant Performance (Total Nitrogen)	7.0
Groundwater Quality	7.0
Ponds and Lagoon Leakage	7.0
Biosolids Quality and Management	5.0
Staffing and Preventative Maintenance	1.0
Operator Certification and Education	1.0
Financial Management	1.0
Sanitary Sewer Collection Systems	3.0

History: CR 04-022: cr. Register November 2004 No. 587, eff. 1-1-05; CR 12-027: r. and recr. (3) (m) Register July 2013 No. 691, eff. 8-1-13.

NR 208.06 CMAR review and responses. (1) OWNER REVIEW. (a) The owner of the wastewater treatment works shall review and complete all applicable CMAR sections. The owner submitting a CMAR under this chapter shall provide a response for individual CMAR sections when required pursuant to table 1 and this section.

(b) Sanitary sewer collection system owners shall review the total number of sanitary sewer overflow occurrences and sewage treatment facility overflow occurrences for the year as reported under s. NR 210.21 (4) and, if overflows are reported, provide a response of actions taken or underway to reduce or eliminate such occurrences in the future.

(2) **DEPARTMENT REVIEW.** The department shall review the CMAR information, points and scores generated, the grades of each section and the grade point average contained in the CMAR for accuracy and completeness. In case of error, the department shall make any corrections to the information, points and grades, as appropriate, and notify the owner with an explanation. All owners shall be notified of point or grading revisions as part of the department response. The department shall provide a response to the CMAR and any information submitted under this chapter by August 31 of the year in which the CMAR was received or within 60 days of receipt, whichever is later.

(3) **OWNER AND DEPARTMENT RESPONSES FOR INDIVIDUAL SECTION GRADES.** (a) *Voluntary response ranges (A or B grades).* For any CMAR section receiving a grade of A or B, the owner may provide information on improving treatment works or collection system management and performance. This information may be included in the CMAR resolution. The department may provide a response to any recommendations or information provided under this paragraph.

(b) *Recommendation response range (C grade).* For any CMAR section receiving a grade of C, the owner shall recommend steps or actions that have been or may be taken to address problems or deficiencies identified in that CMAR section. These recommendations shall be included in the CMAR resolution. The department shall provide a response to any recommendations or information provided under this paragraph.

(c) *Action response ranges (D or F grades).* For any CMAR section resulting in a grade of D or F, the owner shall submit an action response plan. The action response plan shall be included in the CMAR resolution and shall state what actions will be taken to address and correct problems identified in that CMAR section. The department shall provide a response to the action response plan and other information provided under this paragraph.

(4) OWNER AND DEPARTMENT RESPONSES FOR CMAR GRADE POINT AVERAGE. (a) *Voluntary response range (3.00–4.00 GPA).* For CMAR grade point averages of 3.00–4.00, the owner may evaluate and implement steps to address any problems or deficiencies identified in the CMAR. This information may be included in the CMAR resolution. The owner may initiate planning for new, improved, upgraded or additional treatment facilities. The department shall provide a response to the CMAR grade point average and any recommendations or information provided under this paragraph.

(b) *Recommendation response range (2.00–2.99 GPA).* For CMAR grade point averages of 2.00–2.99, the owner shall recommend steps or actions that have been or may be taken to address problems or deficiencies identified in the CMAR. These recommendations shall be included in the CMAR resolution. The department may recommend that the owner develop an operation and needs review (ONR). Alternatively, the department may recommend that the owner undertake specific actions to maintain compliance. A facilities plan shall be recommended by the owner or the department if an ONR indicates the existing treatment works is not capable of providing adequate wastewater conveyance and treatment any time within the next 5 years. The department shall provide a response to any recommendation made under this paragraph.

(c) *Action response range (< 2.00 GPA).* For CMAR grade point averages less than 2.00, the owner shall provide the department with a plan that describes actions the owner will take to address the problems that resulted in the low grade point average. The action response plan shall be included in the CMAR resolution and shall state what actions have been or will be taken to address and correct problems identified. The department may

require the owner to complete an operation and needs review or a facilities plan under ch. NR 110 within a time period which the department prescribes. A facilities plan shall be required if the department determines that consistent future compliance with permit limitations and conditions will not result from improved system operation and maintenance or that growth within areas served by the owner's sewerage system jeopardizes future compliance. An implementation schedule shall be submitted by the owner as a part of the operations and needs review or facilities plan. The department shall provide a response to the CMAR and action plan made under this paragraph.

(5) OWNER RESPONSE REQUIREMENTS. The following general requirements shall be followed in implementing the response actions described in this subsection:

(a) *Action response plans.* An action response plan shall contain and specify the corrective actions that shall be taken such as, but not limited to, operational changes, operation and needs reviews, facility planning, engineering studies, improvements, upgrading or new facility. The owner shall submit an implementation schedule as part of the action response plan.

(b) *Operations and needs review (ONR).* The ONR shall evaluate the ability of the treatment works to maintain compliance with effluent limits and WPDES permit conditions over the next 5 years including anticipated increases in discharges due to residential, commercial and industrial growth within the owner's sewer service area. The ONR may recommend operational changes, minor upgrading of treatment works or that the treatment works prepare a facilities plan. The owner shall submit an implementation schedule as part of the ONR.

(c) *Facilities plan.* The scope of the facilities plan, if required under sub. (4) (c), shall be based on the CMAR section grades and overall grade point average for the treatment works. The facilities plan shall meet the requirements of s. NR 110.08. The owner shall submit an implementation schedule as a part of the facilities plan.

(6) WPDES PERMIT ACTIONS. The department may modify, reissue or revoke and reissue the owner's WPDES permit to include the necessary actions or recommendations identified under subs. (3) (b) and (c) and (4) (b) and (c) with a compliance schedule to implement the actions or recommendations.

(7) OTHER ACTIONS. Compliance with the requirements of this chapter does not preclude the department from taking any other actions, including enforcement, necessary to ensure the permittee's compliance with a WPDES permit, ch. 283, Stats., or any other applicable laws and regulations.

History: CR 04-022: cr. Register November 2004 No. 587, eff. 1-1-05; CR 12-027: renum. (1) to (1) (a), cr. (1) (b) Register July 2013 No. 691, eff. 8-1-13.